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In re Application of	:	
RICHARDS et al.	:	DECISION ON
Application No.: 10/559,589	:	
PCT No.: PCT/GB2004/002352	:	PAPERS
Int. Filing Date: 01 June 2004	:	
Priority Date: 05 June 2003	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 1600-000005/US/NP	:	
For: GENERATOR	:	

This is a decision on the submission filed by applicants on 09 May 2006, which was accompanied by, *inter alia*, a declaration of inventors. The indication in this declaration that joint inventor Bernard John Sheridan is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 01 June 2004, applicants filed international application PCT/GB2004/002352, which designated the US and claimed a priority date of 05 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 December 2005.

On 02 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and an assertion of small entity status.

On 15 March 2006, the United States Patent and Trademark Office (USPTO) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable time period for reply.

On 09 May 2006, applicants filed the instant submission, which was accompanied by, *inter alia*, a declaration signed by two of the three inventors and signed by Margaret Sheridan as “legal representative” of deceased inventor Bernard John Sheridan. This declaration also lists the residence, citizenship and mailing address of Margaret Sheridan (on page 6 of declaration) and Bernard John Sheridan (on page 4 of declaration).

DISCUSSION

The submission filed 09 May 2006 has been reviewed and has been found in compliance with 37 CFR 1.42. However, the declaration filed 09 May 2006 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the third-named inventor between the published international application (Anthony WITHAM) and the declaration of the inventor (Anthony WHITHAM). It is not clear if there was a typographical in the last name of the inventor as indicated in the international application (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).


CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Regarding the name of Mr. WITHAM, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the last name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Daniel Stemmer

Application No.: 10/559,589

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